

1 BOARD OF SUPERVISORS  
2 OF THE COUNTY OF FRESNO  
3 STATE OF CALIFORNIA  
4

5 IN THE MATTER OF: ) RESOLUTION OF NECESSITY TO  
6 ACQUIRING REAL PROPERTY ) AUTHORIZE EMINENT DOMAIN  
7 FOR TRAVERS CREEK BRIDGE ) PROCEEDINGS AND TO  
8 REPLACEMENT PROJECT ON PARLIER ) AUTHORIZE THE DEPOSIT OF  
9 FUNDS IN THE STATE OF  
10 CALIFORNIA – CONDEMNATION  
11 DEPOSIT FUND

12 WHEREAS, a public hearing has been set for May 7, 2019, at the hour of 9:00 A.M. or as soon  
13 thereafter as practicable, to determine whether a resolution of necessity should be adopted as provided  
14 by law precedent to the commencement of eminent domain proceedings to acquire real property  
15 interests for the purpose of replacing the Travers Creek Bridge, a functionally obsolete two-lane  
16 concrete slab bridge on Parlier Avenue, a public roadway in the County of Fresno, with a two-lane  
17 concrete box culvert bridge that meets current standards with approach railings, hereinafter referred to  
18 as "the Project."

19 WHEREAS, said hearing was duly noticed and held before the Fresno County Board of  
20 Supervisors (hereafter, "Board") in the manner prescribed by law; and,

21 WHEREAS, it appears that the public interest and necessity requires that certain real property  
22 interests be acquired for the Project, upon and along the certain parcels situated in the County of  
23 Fresno, State of California, whose descriptions and extent of property required and owners of record  
24 are as set forth in Exhibits A and B, attached hereto and incorporated herein by reference; and,

25 WHEREAS, this Board is authorized to acquire certain real property interests by eminent  
26 domain pursuant to Government Code Section 25350.5, Streets and Highways Code Section 943, and  
27 California Code of Civil Procedure Section 1230.010, et seq.; and,

28 WHEREAS, it appears that it is not possible to acquire the hereinabove property and interests  
therein by negotiations and that it will be necessary to institute proceedings in eminent domain; and,

1           WHEREAS, it appears that the taking of possession of said certain real property interests upon  
2 the institution of condemnation proceedings is necessary to expedite the project; and,

3           WHEREAS, the estimated date of use thereof for such purposes is the earliest date possible;  
4 pursuant to Code of Civil Procedure section 1240.220(a), there is a reasonable probability that the date  
5 of use of the property will be within seven years from the date the complaint is filed.

6           NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Fresno,  
7 with regard to the proposed Project and the real property described in Exhibit A and shown in Exhibit B,  
8 hereby finds and determines as follows:

- 9           1. That the public interest and necessity require the proposed Project;
- 10           2. The proposed Project is planned and located in a manner that is most compatible with the  
11 greatest public good and the least private injury;
- 12           3. That the certain real property interests described herein are necessary for the proposed  
13 Project;
- 14           4. That the offer required by Section 7267.2 of the Government Code has been made to the  
15 owners of record of the real property which is the subject of the proposed Project;

16           BE IT FURTHER RESOLVED that the Board of Supervisors of the County of  
17 Fresno, as to the interests in the parcel of real property described herein and by the  
18 Exhibits hereto which are incorporated by reference, hereby finds and determines that  
19 the real property subject to this proposed Project is subject to existing public uses, as briefly described  
20 below, and that the parcel herein described is being acquired pursuant to Code of Civil Procedure  
21 section 1240.510 for a public use set forth herein which is compatible with the existing public uses. The  
22 Board of Supervisors for the County of Fresno further finds and determines that the acquisition and  
23 public use herein described of the parcel will not unreasonably interfere with or impair the continuance  
24 of the public use as it exists or may reasonably be expected to exist in the future, as required by Code  
25 of Civil Procedure section 1240.510. The Board of Supervisors of the County of Fresno, further  
26 resolves, finds and determines, in the alternative, that the parcel and interests herein described are  
27 being acquired pursuant to Code of Civil Procedure section 1240.610 for a more necessary public use.

1 The parcel and interests therein above-described are as follows:

2 An easement for an open irrigation ditch or canal; the current holder of said easement is  
3 believed to be Alta Irrigation District; and

4 An easement for pipelines; the current holder of said easement is believed to be Alta Irrigation  
5 District.

6 BE IT FURTHER RESOLVED that the County Counsel of the County of Fresno be, and hereby  
7 is, authorized and directed to institute and prosecute proceedings in eminent domain to acquire the  
8 hereinabove described real property interests and to secure possession thereof on the earliest date  
9 possible. Pursuant to Code of Civil Procedure section 1240.220(a), there is a reasonable probability  
10 that the date of use of the property will be within seven years from the date the complaint is filed.  
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12 BE IT FURTHER RESOLVED that the Auditor-Controller/Treasurer-Tax Collector of the County of  
13 Fresno be, and hereby is, authorized and directed to issue a check in the amount of \$7,800.00, as certified  
14 by the Director of Public Works and Planning or his designee, made payable to the State of California -  
15 Condemnation Deposit Fund and delivered to the Design Division Manager to be placed on deposit for  
16 possession upon the institution of condemnation proceedings as provided by law.  
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1 THE FOREGOING, was passed and adopted by the following vote of the Board of Supervisors of  
2 the County of Fresno this \_\_\_\_ day of \_\_\_\_\_, 2019.

3 AYES:

4 NOS:

5 ABSENT:

6 ABSTAINED:  
7

8 \_\_\_\_\_  
Nathan Magsig, Chairman of the Board  
9 of Supervisors of the County of Fresno

10  
11 **ATTEST**

Bernice E. Seidel  
12 Clerk of the Board of Supervisors  
13 County of Fresno, State of California

14 By \_\_\_\_\_

15 Deputy  
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18 **FOR ACCOUNTING USE ONLY:**

19 ORG: 4510  
20 FUND: 0010  
21 SUBCLASS: 11000  
22 ACCOUNT: 8110  
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**HBP – Travers Creek Bridge on  
Parlier Avenue**

**Parcel 1  
Portion of APN 373-340-04**

**Exhibit A**

That portion of the Northwest Quarter of Section 19, Township 15 South, Range 24 East, Mount Diablo Base and Meridian, in the County of Fresno, State of California, described as follows:

BEGINNING at a point at the most Southwesterly corner of Lot 5 of Reo Colony, Recorded December 11, 1916, Volume 8 of Plats at Page 17, Fresno County Records, in Section 19, Township 15 South, Range 24 East, Mount Diablo Base and Meridian, in the County of Fresno, State of California, said point being the TRUE POINT OF BEGINNING; thence,

- 1) Parallel with the South line of the Northwest Quarter of Section 19, North 89°45'13" West a distance of 286.92 feet; thence,
- 2) North 01°25'33" West, a distance of 3.04 feet; thence,
- 3) North 89°34'27" East, a distance of 195.61 feet; thence,
- 4) Parallel with the South line of the Northwest Quarter of Section 19, South 89°45'13" East, a distance of 47.80 feet; thence,
- 5) North 48°59'53" East, a distance of 36.67 feet; thence,
- 6) North 13°30'22" East, a distance of 26.90 feet; thence,
- 7) South 89°38'48" East, a distance of 35.01 feet to the West line of said Lot 5; thence,
- 8) Along said West line, South 23°14'47" West, a distance of 64.14 feet to the TRUE POINT OF BEGINNING

Containing 0.086 acres of land, more or less

For the purposes of this description it is assumed that the South line of said Lot 5 is 20.00 feet North of and parallel with the South line of the Northwest Quarter of Section 19.



